

## **Remarks/Arguments**

Reconsideration is respectfully requested. Claims 1-5, 7-39 and 54-57 are pending. Claims 1-5 and 7-39 are rejected. Claim 54-57 are new.

For the reasons set forth below, Applicants respectfully submit that all pending claims are allowable.

### **I. Obviousness Rejections**

Claims 1-5 and 7-39 are rejected under 35 USC 103(a) as being unpatentable over US Patent No. 5,711,861 (Ward, et al.) in view of US Patent No. 6,579,690 (Bonnecaze, et al.), and in the alternative, unpatentable over Ward. See Office Action page 4.

Applicants herein renew all of the arguments previously presented in conjunction with the obviousness rejections, and in traversing the Examiner's rejections, submit that the claims are allowable.

Notwithstanding, for the sole purpose of advancing the prosecution of the present application, claim 1 is now directed to a combination including a sensor configured to detect one or more glucose levels, a sensor control unit operatively coupled to the sensor, the sensor control unit configured to receive signals corresponding to the detected one or more glucose levels from the sensor, the sensor control unit including electronics to convert the received signals to a predetermined format, the sensor control unit further configured to transmit the converted signals corresponding to the detected one or more glucose levels, and a receiver operatively coupled to the sensor control unit configured to receive transmitted signals corresponding to the detected one or more glucose levels, wherein the electronics include logic to compare consecutive signals from the sensor to determine if they differ by more than a threshold level, and if the difference is greater than the threshold level for one signal or over a period of time or for a predetermined number of signals within a period of time, the electronics is configured to generate an output notification. Claim 21 is now directed to a combination including a sensor configured to detect one or more glucose levels, a sensor control unit operatively

coupled to the sensor, the sensor control unit configured to receive signals corresponding to the detected one or more glucose levels from the sensor, the sensor control unit including electronics to convert the received signals to a predetermined format, the sensor control unit further configured to transmit signals corresponding to the detected one or more glucose levels; and a receiver operatively coupled to the sensor control unit configured to receive transmitted signals corresponding to the detected one or more glucose levels; wherein the electronics include logic to compare consecutive signals from the sensor to determine if they differ by more than a threshold level, and if the difference is greater than the threshold level for one signal or over a period of time or for a predetermined number of signals within a period of time, the electronics is configured to generate an output notification, and further wherein the sensor control unit is configured to transmit a current data point and at least one previous data point, said current data point and said at least one previous data point corresponding to the detected one or more glucose levels.

Support for the amendment to the claims can be found throughout the application as filed, including, for example, but not limited to paragraphs 0259 to 0264 of the corresponding patent publication no. US2004/0171921.

It is to be noted that the amendment to the claims set forth herein are made for the sole purpose of advancing the prosecution of the present application and are not intended as acquiescence to the propriety of the Examiner's rejections. Accordingly, Applicants reserve the right to pursue claims of the same or similar scope prior to the amendment set forth herein in one or more continuing applications.

Based on the above, Applicants respectfully submit that the claims are allowable.

## **II. New Claims 54-57**

New claims 54-57 depend from either of claims 1 and 21. Thus, for at least the same reasons as set forth above, Applicants respectfully submit that claims 54-57 are allowable.

### **No Disclaimers Or Disavowals**

Amendments to and/or cancellations of the claims are being made without prejudice and solely to clarify issues before the Examiner and/or to advance prosecution of this application and are not intended as a disavowal of any subject matter and do not constitute an agreement or acquiescence to any objection and/or rejection. Accordingly, by this response Applicants do not concede that previously pending claims are not patentable.

Applicants reserve the right to pursue claims to any subject matter supported by the disclosure of this application in one or more continuation and/or divisional applications at a later time, including the subject matter of any pre-amended and/or cancelled claims, including broader and narrower claims, and including any subject matter found to be disclaimed herein or by any prior prosecution (should such subject matter be found to be disclaimed despite Applicants' statement herein of no such disclaimer). Accordingly, Applicants do not make any disclaimers or disavowals of any subject matter supported by the present disclosure.

Applicants' silence with regard to the Examiner's rejections of and/or objections to certain dependent claims constitutes a recognition by Applicants that the rejections and/or objections are moot based on Applicants' amendment or remarks relative to the independent claim from which the dependent claims depend. Such silence does not constitute an acquiescence to any of the Examiner's objections and/or rejections, and Applicants reserve the right to argue the patentability of such dependent claims at any appropriate time.

Remarks and/or amendments, or a lack of remarks and/or amendments, are not intended to constitute, and should not be construed as, an acquiescence, on the part of Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Application No. 10/789,776  
Inventors: James Say, et al.  
Application Filed: February 27, 2004

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic or in person discussion would be helpful in advancing the prosecution of the present application, Applicants respectfully request the Examiner to contact Applicants' representative at (510) 652-6418, x82.

Respectfully submitted,  
JACKSON & CO., LLP

Dated: June 26, 2010 \_\_\_\_\_ By: /Seong-Kun Oh/ \_\_\_\_\_

Seong-Kun Oh  
Reg. No. 48,210  
Attorneys for Applicant

JACKSON & CO., LLP  
6114 La Salle Ave., #507  
Oakland, CA 94611-2802

Telephone: 510-652-6418, Ext. 82  
Facsimile: 510-652-5691

Customer No.: 30349